

REMARKS

Applicants respectfully request favorable reconsideration of the above-captioned application as amended.

By this Amendment, claims 1-30 are presented for examination. Claims 1, 6-8, 16 and 21-23 are the independent claims. Favorable reconsideration is respectfully requested.

In the Office Action, claims 6-8 and 22-24 were rejected under 35 U.S.C. §101 as allegedly not being limited to statutory subject matter, i.e., a signal. Applicants believe that the Office Action intended to refer to claims 21-23, rather than claims 22-24. The Office Action asserted that the invention recited in these claims is not proper subject matter as defined in the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility (hereinafter the “Guidelines”).

As shown above, Applicants have now amended claims 6-8 and 21-23 to correspond precisely to the formats approved in the Guidelines. Applicants respectfully submit that these claims are directed to statutory subject matter, and respectfully request the Examiner to withdraw these rejections.

In the Office Action, claims 1, 2, 6-11, 14, 16, 17, 21-26 and 29 were rejected as being obvious over U.S. Patent 6,684,331 to Srivastava in view of U.S. Patent No. 6,553,002 to Bremer et al. and U.S. Patent No. 6,151,633 to Hurst et al. Claims 15 and 30 were rejected over Srivastava, Bremer and Hurst in view of U.S. Patent No. 5,727,002 to Miller et al. Claims 3-5 and 18-20 were rejected as being obvious over Srivastava, Bremer and Hurst in view of U.S. Patent No. 5,999,179 to Kekic et al.). Claims 12, 13, 27 and 28 were rejected as being obvious over Srivastava, Bremer and Hurst in view of U.S. Patent No. 6,628,610 to Waclawsky et al.

Applicants respectfully traverse these rejections. Applicants submit that independent

claims 1, 6-8, 16 and 21-23, together with the remaining claims respectively dependent thereon, are patentably distinct from the cited prior art for the following reasons.

Applicants believe that the Examiner is familiar with the issues of this case. One aspect is that the invention makes it *easier* for the *user* to specify which nodes, or groups of nodes, receive a particular message. It is important to note that the *user* is **not** the source node that sends out the messages to the various nodes; rather, the *user* is the person or other supervisor that tells *the source node* where to send the messages.

In the prior art as known by Applicants, the user could specify each individual node, and the source node would then send a unicast message to each node. This could be very cumbersome. Alternatively, the user could specify a predefined group of nodes, and then the source node would send a multicast message to the specified group. This also raised problems, such as uncertainty as to whether every member of the group properly received the message.

As the Examiner correctly notes, Srivastava is directed to a method and apparatus for distributing and updating group controllers over a wide area network using a tree structure, wherein a group controller node 501 is illustrated in Fig. 5 at the top of the binary tree mapping. Nodes A-H form a multicast group of users (nodes). *See* col. 15, lines 53-54, col. 16, line 67-col. 16, line 4. Col. 16, lines 10-16 of Srivatava read as follows:

“Group controller node 501 has the responsibility of encrypting $2\log_2 N + 1$ keys and sending the keys to nodes A-H via a multicast message. The actual messages that are transmitted by group controller 501 contain, for example, information about the key’s identification, revision and version. Alternatively, group controller node 501 may send $2\log_2 N + 1$ messages to each group member individually.”

However, Applicants have been unable to find in Srivastava any discussion of the principles by which the group controller node 501 determines whether to send the multicast message or the individual messages.

More particularly, Applicants have found no teaching or suggestion of an express feature of each of Applicants' independent claims, i.e., that the source node (in the communication position of Srivastava's group controller node 501) ever receives:

"a specification designating the particular group and not specifying any particular node of the particular group;"

and in response thereto sends out a packet:

"containing a network layer header, including an address corresponding to the given node, but not the other nodes, of the particular group,"

In this regard, Applicants note that the Office Action cites to Srivastava's Col. 16, lines 10-12 in two, contradictory ways. The second citation, in the top paragraph of page 5 of the Office Action, cites these lines as supporting the transmission of keys to nodes A-H via a multicast message. Applicants agree that this is a correct citation of Srivastava.

However, the first citation on page 4, paragraph 9, alleges that Col. 16, lines 10-12 provides support for the following:

"receiving a specification at a source to send a set of one or more messages from the source to the particular group of nodes, the specification designating the particular group and not specifying any particular note of the particular group (Col 16, lines 10-12. Send keys via multicast message.)"

Applicants respectfully submit that Col. 10, lines 10-12 say *nothing* about receiving any such *specification* of nodes at the source, and in particular say *nothing* about receiving a specification having the expressly recited format of Applicants' independent claims.

Applicants have reviewed the other references cited in the Office Action. Applicants have not found any teaching or suggestion therein that would remedy the above-noted deficiencies of Srivastava as a reference against the independent claims, nor have Applicants found in the Office Action any argument that any of these references contain disclosure that

would remedy the above-noted deficiencies of Srivastava as a reference against the independent claims.

In view of the above amendments and remarks, Applicants respectfully submit that claims 1-30 herein are patentably distinguished from the cited prior art.

Applicants respectfully submit that this application is now in condition for allowance. Accordingly, the Examiner is respectfully requested to allow claims 1-30 and to pass this case to issue.

If any fee is due for this filing, please charge the LARGE ENTITY fee therefor to Deposit Account No. 16-2500 of the undersigned.

Applicants' undersigned attorney may be reached by telephone at (212) 969-3314 or by facsimile at (212) 969-2900. Please direct all correspondence to Customer No. 21890 at the address provided below.

Respectfully submitted

PROSKAUER ROSE LLP
Attorneys for Applicants

Date: December 11, 2006

PROSKAUER ROSE LLP
1585 Broadway
New York, NY 10036

Tel: (212) 969-3000

By Abigail Cousins
Abigail F. Cousins
Reg. No. 29,292